

**CREATING THE CRIMINAL OFFENSE OF
MISREPRESENTING A CHILD AS A FAMILY MEMBER AT A
PORT OF ENTRY**

CHAPTER 1277

H.B. No. 888

AN ACT

relating to creating the criminal offense of misrepresenting a child as a family member at a port of entry.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 37, Penal Code, is amended by adding Section 37.082 to read as follows:

Sec. 37.082. MISREPRESENTING CHILD AS FAMILY MEMBER AT PORT OF ENTRY. (a) *In this section:*

(1) "Child" means a person younger than 18 years of age.

(2) "Family member" means a person who is related to another person by consanguinity or affinity.

(3) "Port of entry" means a place designated by executive order of the president of the United States, by order of the United States secretary of the treasury, or by act of the United States Congress at which a customs officer is authorized to enforce customs laws.

(b) A person commits an offense if the person, with intent to commit an offense under Section 20A.02, knowingly misrepresents a child as a family member of the person to a peace officer or federal special investigator at a port of entry.

(c) An offense under this section is a Class B misdemeanor.

(d) If conduct that constitutes an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

SECTION 2. This Act takes effect September 1, 2019.

Passed by the House on May 2, 2019: Yeas 94, Nays 46, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 888 on May 23, 2019: Yeas 100, Nays 43, 1 present, not voting; passed by the Senate, with amendments, on May 21, 2019: Yeas 30, Nays 1.

Approved June 14, 2019.

Effective September 1, 2019.

**ESTABLISHMENT OF A COLLABORATIVE TASK FORCE TO
STUDY CERTAIN PUBLIC SCHOOL MENTAL HEALTH
SERVICES**

CHAPTER 1278

H.B. No. 906

AN ACT

relating to the establishment of a collaborative task force to study certain public school mental health services.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 38, Education Code, is amended by adding Subchapter F to read as follows:

**SUBCHAPTER F. COLLABORATIVE TASK FORCE ON PUBLIC SCHOOL
MENTAL HEALTH SERVICES**

Sec. 38.301. **DEFINITIONS.** *In this subchapter:*

- (1) "Institution of higher education" has the meaning assigned by Section 61.003.
- (2) "Task force" means the Collaborative Task Force on Public School Mental Health Services.

Sec. 38.302. **ESTABLISHMENT.** *The Collaborative Task Force on Public School Mental Health Services is established to study and evaluate:*

- (1) *mental health services that are funded by this state and provided at a school district or open-enrollment charter school directly to:*

- (A) *a student enrolled in the district or school;*

- (B) *a parent or family member of or person standing in parental relation to a student enrolled in the district or school; or*

- (C) *an employee of the district or school;*

- (2) *training provided to an educator employed by the district or school to provide the mental health services described by Subdivision (1); and*

- (3) *the impact the mental health services described by Subdivision (1) have on:*

- (A) *the number of violent incidents that occur at school districts or open-enrollment charter schools;*

- (B) *the suicide rate of the individuals who are provided the mental health services described by Subdivision (1);*

- (C) *the number of public school students referred to the Department of Family and Protective Services for investigation services and the reasons for those referrals;*

- (D) *the number of individuals who are transported from each school district or open-enrollment charter school for an emergency detention under Chapter 573, Health and Safety Code; and*

- (E) *the number of public school students referred to outside counselors in accordance with Section 38.010.*

Sec. 38.303. **MEMBERSHIP.** (a) *The task force is composed of:*

- (1) *the commissioner or the commissioner's designee;*

- (2) *the following additional members appointed by the commissioner:*

- (A) *three parents of students who are enrolled in school districts or open-enrollment charter schools and receive the mental health services described by Section 38.302(1);*

- (B) *one person who provides the mental health services described by Section 38.302(1) or the training described by Section 38.302(2) and who is:*

- (i) *a licensed professional counselor, as defined by Section 503.002, Occupations Code;*

- (ii) *a licensed clinical social worker, as defined by Section 505.002, Occupations Code; or*

- (iii) *a school counselor certified under Subchapter B, Chapter 21;*

- (C) *one person who is a psychiatrist;*

- (D) *two persons who are administrators of districts or schools that provide the mental health services described by Section 38.302(1) or the training described by Section 38.302(2);*

- (E) *one person who is a member of a foundation that invests in the mental health services described by Section 38.302(1) or the training described by Section 38.302(2);*

- (F) *one person who is an employee of an institution of higher education designated under Section 38.307; and*

- (G) *one person who is a licensed specialist in school psychology, as defined by Section 501.002, Occupations Code; and*

(3) *for any other entity the task force considers necessary, one person appointed by the task force for each such entity.*

(b) *Appointments to the task force shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.*

(c) *Chapter 2110, Government Code, does not apply to the task force.*

Sec. 38.304. OFFICERS. (a) *The commissioner is designated as the interim presiding officer for purposes of calling and conducting the initial meeting of the task force.*

(b) *The task force:*

(1) *shall at its initial meeting select a presiding officer from among its members for the purpose of calling and conducting meetings; and*

(2) *may select an assistant presiding officer and a secretary from among its members.*

Sec. 38.305. COMPENSATION; REIMBURSEMENT. *A member of the task force may not receive compensation or reimbursement for service on the task force.*

Sec. 38.306. MEETINGS. (a) *After its initial meeting, the task force shall meet at least twice each year at a time and place determined by the presiding officer.*

(b) *The task force may meet at other times the task force considers appropriate. The presiding officer may call a meeting on the officer's own motion.*

(c) *The task force may meet by teleconference.*

Sec. 38.307. SUPPORT SERVICES FOR TASK FORCE. (a) *The commissioner shall designate one institution of higher education with experience in evaluating mental health services to serve as the lead institution for the task force. The institution designated under this subsection shall provide faculty, staff, and administrative support services to the task force as determined necessary by the task force to administer this subchapter.*

(b) *The commissioner shall designate two institutions of higher education with experience in evaluating mental health services to assist the task force and the lead institution designated under Subsection (a) as determined necessary by the task force to administer this subchapter.*

(c) *In making a designation under this section, the commissioner shall give preference to at least one predominantly black institution, as defined by 20 U.S.C. Section 1067q(c)(9).*

(d) *On request of the task force, the agency, a school district, or an open-enrollment charter school shall provide information or other assistance to the task force.*

(e) *The agency shall maintain the data collected by the task force and the work product of the task force in accordance with:*

(1) *the agency's information security plan under Section 2054.133, Government Code; and*

(2) *the agency's records retention schedule under Section 441.185, Government Code.*

Sec. 38.308. DUTIES OF TASK FORCE. *The task force shall:*

(1) *gather data on:*

(A) *the number of students enrolled in each school district and open-enrollment charter school;*

(B) *the number of individuals to whom each school district or open-enrollment charter school provides the mental health services described by Section 38.302(1);*

(C) *the number of individuals for whom each school district or open-enrollment charter school has the resources to provide the mental health services described by Section 38.302(1);*

(D) *the number of individuals described by Paragraph (B) who are referred to an inpatient or outpatient mental health provider;*

(E) *the number of individuals who are transported from each school district or*

open-enrollment charter school for an emergency detention under Chapter 573, Health and Safety Code; and

(F) the race, ethnicity, gender, special education status, educationally disadvantaged status, and geographic location of:

(i) individuals who are provided the mental health services described by Section 38.302(1);

(ii) individuals who are described by Paragraph (D); and

(iii) individuals who are described by Paragraph (E); and

(2) study, evaluate, and make recommendations regarding the mental health services described by Section 38.302(1), the training described by Section 38.302(2), and the impact of those mental health services, as described by Section 38.302(3), including addressing:

(A) the outcomes and the effectiveness of the services and training provided, including the outcomes and effectiveness of the service and training providers and the programs under which services and training are provided, in:

(i) improving student academic achievement and attendance;

(ii) reducing student disciplinary proceedings, suspensions, placements in a disciplinary alternative education program, and expulsions; and

(iii) delivering prevention and intervention services to promote early mental health skills, including:

(a) building skills relating to managing emotions, establishing and maintaining positive relationships, and making responsible decisions;

(b) preventing substance abuse;

(c) preventing suicides;

(d) adhering to the purpose of the relevant program services or training;

(e) promoting trauma-informed practices;

(f) promoting a positive school climate, as defined by Section 161.325(a-3), Health and Safety Code, in the district or school; and

(g) improving physical and emotional safety and well-being in the district or school and reducing violence in the district or school;

(B) best practices for districts and schools in implementing the services or training;

(C) disparities in the race, ethnicity, gender, special education status, and geographic location of individuals receiving the services; and

(D) best practices to replicate the services or training for all districts and schools.

Sec. 38.309. PRIVACY OF INFORMATION. *The task force shall ensure that data gathered, information studied, and evaluations conducted under this subchapter:*

(1) comply with federal law regarding confidentiality of student medical or educational information, including the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information; and

(2) may not be shared with a federal agency or state agency, including an institution of higher education, except as otherwise provided by this subchapter or other law.

Sec. 38.310. REPORTS. *Not later than November 1 of each even-numbered year, the task force shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the agency a report of the results of the task force's activities conducted under Section 38.308 and any recommendations for legislative or other action.*

Sec. 38.311. FUNDING; ADMINISTRATIVE COST RESTRICTION; GIFTS AND

GRANTS. (a) *Of state funds allocated to the agency for public school mental health services, the commissioner may provide not more than 10 percent for purposes of the task force established under this subchapter.*

(b) *The task force may not spend for the administration of the task force more than 10 percent of any money allocated to the task force for the purposes of this subchapter.*

(c) *The task force may accept a gift or grant from a person other than the federal government.*

Sec. 38.312. EXPIRATION. *The task force is abolished and this subchapter expires December 1, 2025.*

SECTION 2. Not later than October 1, 2019, the commissioner of education shall:

(1) appoint the members of the Collaborative Task Force on Public School Mental Health Services that are to be appointed by the commissioner, as required by Section 38.303, Education Code, as added by this Act; and

(2) designate the institutions of higher education to provide support services, as required by Section 38.307, Education Code, as added by this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

Passed by the House on April 24, 2019: Yeas 113, Nays 30, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 906 on May 23, 2019: Yeas 126, Nays 14, 2 present, not voting; passed by the Senate, with amendments, on May 16, 2019: Yeas 29, Nays 2.

Approved June 14, 2019.

Effective June 14, 2019.

**UPDATING REFERENCES TO CERTAIN FORMER HEALTH
SERVICES STATE AGENCIES AND CERTAIN TERMS USED
TO DESCRIBE PERSONS WITH INTELLECTUAL OR
DEVELOPMENTAL DISABILITIES IN THE EDUCATION CODE**

CHAPTER 1279

H.B. No. 965

AN ACT

relating to updating references to certain former health services state agencies and certain terms used to describe persons with intellectual or developmental disabilities in the Education Code.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 25.041, Education Code, is amended to read as follows:

Sec. 25.041. TRANSFER OF CHILDREN OR WARDS OF EMPLOYEES OF STATE SUPPORTED LIVING CENTERS [SCHOOLS]. A school-age child or ward of an employee of a state supported living center [school] for persons with intellectual disabilities [the mentally retarded] constituted as a school district who resides in the boundaries of center [the state school] property but who is not a student at the center [state school] is entitled to attend school in a district adjacent to the center [state school] free of any charge to the child's or ward's parent or guardian provided the parent or guardian is required by the superintendent of the center [state school] to live on the grounds of the center [state school] for the convenience of this state. A tuition charge required by the admitting district shall be paid by the district constituting the state supported living center [school] out of funds allotted to it by the agency.